IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

ORDER

SB CIVIL WRIT PETITION NO.2360/1997
Dr. (Mrs.) Ratna Saxena V/s The Rajasthan Non-Government Educational Institutionals Tribunal, Jaipur & Ors.

DATE OF ORDER : : : 20.2.2007

PRESENT
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.R.D. Rastogi, for the petitioner.
Mr.Vijay Singh for the respondent No.2.
Mr.Amod Kasliwal, for the respondent No.4.

Heard counsel for the parties.

This writ petition is directed against the order dated 31.3.1997 of the Rajasthan Non-Government Educational Institutions Tribunal, Jaipur (in short "the Tribunal") whereby the appeal filed by the respondent No.4 has been allowed and she has been held to be entitled for appointment against the vacancy created on account of retirement of Smt. Jaya Devi from the post of Lecturer (Zoology). Against the said order passed by the Tribunal, the college has filed SB Civil Writ Petition No.2766/1997, which was dismissed on 8.4.1999. DB Civil Special Appeal No.474/1999 was filed against the order dated 8.4.1999, which was also dismissed on 10.7.2006 and the respondent No.4 was allowed to

continue. It is stated at bar that now the respondent No.4 has retired and further been paid all her dues. In the changed circumstances, the petitioner Dr.(Mrs.) Ratna Saxena, who was appointed as Lecturer (Zoology) vide order dated 6.9.1996, was also constrained to challenge the said order of the Tribunal whereby the respondent No.4 has been held to be eligible and entitled for appointment. Now the petitioner is only aggrieved by the operative part of the order of the Tribunal, which declared the appointment of petitioner - Dr.Ratna Saxena illegal and void.

Counsel for the College Shri Vijay Singh frankly submits that after retirement of respondent No.4, there is no legal impediment in continuing the petitioner as Lecturer (Zoology). Counsel for the petitioner also submits that she has already been confirmed in the meanwhile.

In the aforesaid facts and circumstances, the operative part of the order dated 31.3.1997 of the Tribunal whereby appointment of the petitioner has been declared illegal and void, does not survive and the same will not adversely effect the petitioner.

The writ petition is disposed of.

(P.S. ASOPA) J.

ummed/-